

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-557-FDW
(3:06-cr-96-FDW-DSC-1)**

WILLIAM ROOSEVELT CLOUD,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
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THIS MATTER is before the Court on Petitioner’s “Affidavit for Certificate of Appealability – Offer to Settle Case,” (Doc. No. 4).

Petitioner filed a § 2255 Motion to Vacate in the instant case that was dismissed as an unauthorized successive petition on April 24, 2020. (Doc. No. 2). The Court declined to issue a certificate of appealability. (Doc. No. 2 at 7).


In the instant Motion, filed on May 12, 2020, the Petitioner addresses the merit of his § 2255 claims and asks the Court to issue a certificate of appealability because he is actually innocent of the offense of which he was convicted. Petitioner also “offers to settle” the case with the Government and sets forth the conditions he proposes. (Doc. No. 4 at 20). If the Government does not accept his offer, he requests a certificate of appealability, evidentiary hearing, appointment of counsel, and retrial.

Petitioner’s request that this Court issue a certificate of appealability is moot because the Court already considered the matter and declined to issue a certificate of appealability in the Order dismissing the § 2255 petition. To the extent that Petitioner seeks reconsideration of the Order dismissing his § 2255 petition, that requests is denied because Petitioner has set forth no basis for

such relief. Petitioner also expresses his desire to potentially seek such relief from the Fourth Circuit Court of Appeals at some point in the future. He must file any claim for relief from the Fourth Circuit with that Court.

IT IS, THEREFORE, ORDERED that Petitioner's "Affidavit for Certificate of Appealability – Offer to Settle Case," (Doc. No. 4), is **DENIED**.

Signed: May 29, 2020



Frank D. Whitney
Chief United States District Judge

